

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244**

CASE NO.: SC01-2670

MOTION TO SEAL

COMES NOW, the Respondent, the Honorable Charles W. Cope by and through his undersigned counsel and hereby requests this honorable court issue an order sealing his response to Special Counsel's motion to compel and in support thereof states:

1. Special Counsel filed a motion to compel medical records over the course of the Respondent's lifetime.
2. Such medical records are confidential pursuant to *Florida Statutes*. The records sought by Special Counsel are not only privileged, they are irrelevant to this proceeding; and Special Counsel's effort to compel their production constitutes an oppressive abuse of process.
3. Respondent accordingly has filed his motion for protective order and objection to Special Counsel's motion to compel. That response is filed under seal, because it contains facts pertinent to Respondent's medical condition which are both irrelevant to this proceeding and confidential per *Florida Statutes* §§ 395.3025, *et seq.* and 397.501, *et seq.* The Respondent's motion also contains information which must remain confidential pursuant to Rule 6(b) of the Florida Judicial Qualifications Commission.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile and U.S. Mail to: **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; **Judge James R. Wolf**, Chair of the Judicial Qualifications Commission Investigative Panel, 1st District Court of Appeal, 301 Martin Luther King, Jr., Boulevard, Tallahassee, Florida 32399-1850; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32302; **John S. Mills, Esq.**, Special Counsel, Foley & Laudner, 200 Laura Street, Jacksonville, Florida 32201-0240; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, **Louis Kwall, Esq.**, Co-Counsel for Respondent, 133 North Ft. Harrison Avenue, Clearwater, Florida 33755; this 25th day of February, 2002.

ROBERT W. MERKLE, ESQ.